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IAB CASE NO. **FO2301559**

USE OF FORCE FORM AND INVESTIGATIVE SUMMARY

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Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]
Deputy [redacted]

Inmate Fabian Rodriguez
Inmate Jose Gutierrez

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B - Photos of the Injuries to Fabian Rodriguez

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D - Photos of the Injuries to Jose Gutierrez

E - DVD Video of the Module Hallway for 3200/3400

F - D.A. Reject and Closeout Supplemental Report

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Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-01134-5100-145	Date: 11/15/11	Time: 1640	
Location: Modules 3200/3400		City or Station: Los Angeles	
Bureau/Station/Facility: Men's Central Jail		Admin. Investigation: YES [ ] NO [X]	
Type of Force: Significant - Skeletal Fracture			
Deputy Injury: YES [X] NO [ ]	Suspect Injury YES [X] NO [ ]		
[ ] Call	[ ] Observation	[X] Detail	[ ] Foot Pursuit [ ] Vehicle Pursuit
IAB Notified: YES [X] NO [ ]	Person Notified: Lt. Stephanie Fredericks	Emp: [redacted]	IAB Roll Out: YES [X] NO [ ]

Involved Employee

E1

Employee #: [redacted]	Last Name: Aldama	First Name: Samuel	Middle Name:
Sex: [X] Male [ ] Female	Race: H	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 3200/3400 Title 15
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 509 / Weight: 190
[X] Injured [ ] Treated [ ] Admitted	Hospital: U.S. HealthWorks	Coroner Case #:	Directed Force [ ] Significant Force [X]

E2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
Sex: [X] Male [ ] Female	Race: W	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): Module 3200
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 511 / Weight: 225
[X] Injured [ ] Treated [ ] Admitted	Hospital: U.S. HealthWorks	Coroner Case #:	Directed Force [ ] Significant Force [X]

E3

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name: [redacted]
Sex: [X] Male [ ] Female	Race: W	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 3100/3300 Movement
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 602 / Weight: 210
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [X]

[ ] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Petrocelli	David	J.	Sgt	YES [X] NO [ ]	YES [X] NO [ ]
[redacted]	Castro	Mario			YES [ ] NO [X]	YES [ ] NO [X]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Matthews	Scott	P.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Alvarez	Edwin	E.

Lt. Edwin Alvarez
Watch Commander (**Print Name**) — Rod A. Kusch, IAB — Watch Commander's **Signature**: — Emp #: [redacted] — Date: 10-24-12

Sergeant Victor Allen
Supervisor Completing Form: (**Print Name**) — Emp #: [redacted] — Copy Provided to Employee by: — Emp #:

Captain Ralph Ornelas
Unit Commander (**Print Name**) — Unit Commander's **Signature**: — Emp #: — Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

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Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
9 1 1 - 0 1 1 3 4 - 5 1 0 0 - 1 4 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[ ] Male [ ] Female	W	Men's Central Jail	Module 3301

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	605	280

	Hospital	Coroner Case #	Force
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [X]

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	Men's Central Jail	32/34 Prowl / Movement

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	511	205

	Hospital	Coroner Case #	Force
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [X]

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	Men's Central Jail	22/24 Prowl / Movement

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	604	225

	Hospital	Coroner Case #	Force
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [X]

E 7

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	Men's Central Jail	31/33 Prowl / Movement

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	509	185

	Hospital	Coroner Case #	Force
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [X]

E 8

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	W	Men's Central Jail	Module 3300

Shift		Age	Height	Weight
[ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	509	168

	Hospital	Coroner Case #	Force
[ ] Injured [ ] Treated [ ] Admitted			Directed Force [ ] Significant Force [X]

Supervisor's Report on Use of Force
SUSPECT INFORMATION
9 1 1 - 0 1 1 3 4 - 5 1 0 0 - 1 4 5

Suspect Information

S 1

Last Name: Rodriguez	First Name: Fabian	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phon[redacted] | Age: 26 | Height: 600 | D.O.B. 08/12/84 | Weight: 260 | Armed? ☐

Booking #: 2673338 | Primary Charge Code: 211 PC | Secondary Charge Code: 11377(a) H&S | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: MCJ Clinic Coroner Case #: ____ Mental History ☐

By Doctor: RN Dorothy Lorenzo Address: 441 S. Bauchet St Phone #: 213-974-4961

Under Influence: ☒ YES ☐ NO Substance: Alcohol (Pruno) Mental Illness ☐

Suspect Interview

Date: 11/15/11 | Time: 1811 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S 2

Last Name: Gutierrez	First Name: Jose	Middle Name: C.
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: | Age: 20 | Height: 509 | D.O.B. 12/08/89 | Weight: 210 | Armed? ☐

Booking #: 2527336 | Primary Charge Code: 215 PC | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: MCJ Clinic Coroner Case #: ____ Mental History ☐

By Doctor: Staff Nurse Gilda Magante Address: 441 S. Bauchet St Phone #: 213-974-4961

Under Influence: ☒ YES ☐ NO Substance: Alcohol (Pruno) Mental Illness: ☐

Suspect Interview

Date: 11/15/11 | Time: 1829 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

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☐ Additional Suspects Involved

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Fabian Rodriguez	S#1	Samuel Aldama	E#1	UC	NN	NN
Fabian Rodriguez	S#1	Samuel Aldama	E#1	PH	BR	FA
Fabian Rodriguez	S#1	Samuel Aldama	E#1	PO	BR	FA
Fabian Rodriguez	S#1	Samuel Aldama	E#1	PK	NN	
Samuel Aldama	E#1	Fabian Rodriguez	S#1	OC	NN	
Samuel Aldama	E#1	Fabian Rodriguez	S#1	PH	FR	FA
Samuel Aldama	E#1	Fabian Rodriguez	S#1	PH	BR	SH
[redacted]	E#2	Fabian Rodriguez	S#1	PH	NN	
[redacted]	E#3	Fabian Rodriguez	S#1	PO	NN	
[redacted]	E#4	Fabian Rodriguez	S#1	RH	NN	
[redacted]	E#5	Jose Gutierrez	S#2	PO	NN	
[redacted]	E#6	Fabian Rodriguez	S#1	HB	NN	
[redacted]	E#7	Jose Gutierrez	S#2	TT	NN	
[redacted]	E#8	Jose Gutierrez	S#2	TT	NN	
Jose Gutierrez	S#2	[redacted]	E#2	PH	BR	WR
Jose Gutierrez	S#2	[redacted]	E#2	PK	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **SIGNIFICANT USE OF FORCE - SKELETAL FRACTURE**

IAB FILE NUMBER(S): **FO2301559**

URN#: **911-01134-5100-145**

DATE /TIME: **November 15, 2011 (Tuesday), 1640 Hours**

LOCATION: **Men's Central Jail**
441 Bauchet Street
Los Angeles, California 90012
Modules 3200/3400

Opening Statement

On November 15, 2012, Deputies Samuel Aldama, [redacted] [redacted] [redacted] [redacted], [redacted] and Custody Assistant [redacted] were involved in a Use of Force with Inmates Fabian Rodriguez and Jose Gutierrez. It was learned on November 16, 2011, that Inmate Rodriguez sustained a fractured maxillary (jaw) bone as a result of the force.

On November 16, 2011, IAB Sergeants Victor Allen and Trent Denison, along with IAB Lieutenant Alicia Ault, responded to Men's Central Jail and assumed the handle regarding the Use of Force. Attorney Diana Teran of the Office of Independent Review was notified of the incident but did not respond.

Synopsis

On November 15, 2011, Deputy Aldama was working the Title-15 position for Modules 3200/3400. Custody Assistant [redacted] was assigned to Module 3200. At about 1640 hours, they were moving Inmates Fabian Rodriguez and Jose Gutierrez from 3200 A-row, cell 8, because of an inoperable light in the cell. They moved the inmates from their cell to the hallway in front of the officer's booth in the module to conduct a routine search for contraband prior to rehousing the inmates.

Deputy Aldama gave both inmates commands to strip down to their underwear and to turn away and face the wall. Inmate Rodriguez began cussing at Deputy Aldama. Deputy Aldama requested a sergeant respond to the module regarding an

uncooperative inmate via his hand held radio. Inmate Rodriguez continued to cuss and failed to comply with Deputy Aldama's commands to turn and face the wall. Deputy Aldama retrieved his Oleoresin Capsicum (O.C.) spray from his belt and extended his left arm toward Inmate Rodriguez. Inmate Rodriguez knocked away Deputy Aldama's hand and charged at him. Deputy Aldama Sprayed Inmate Rodriguez with his O.C. spray, but Inmate Rodriguez continued to advance at Deputy Aldama.

Deputy Aldama was pinned against the recreation room door in the module. Inmate Rodriguez head butted Deputy Aldama then wrapped his arms around Deputy Aldama's legs. Inmate Gutierrez ran toward Deputy Aldama and joined in the fight. Custody Assistant [redacted] went after Inmate Rodriguez to prevent him from assaulting Deputy Aldama.

Deputy Aldama punched Inmate Rodriguez in the face and shoulder area several times to defend himself from Inmate Rodriguez. Custody Assistant [redacted] grabbed Inmate Rodriguez around the shoulder area and took him to the ground. Inmate Rodriguez continued to fight, so Custody Assistant [redacted] punched him in his mid-section. Custody Assistant [redacted] was attacked from behind by Inmate Gutierrez. Deputies [redacted] and [redacted] arrived in the module and assisted in handcuffing both inmates. Deputies [redacted] and [redacted] conducted a take-down of Inmate Gutierrez and applied handcuffs. Deputy [redacted] placed a knee into the buttocks of Inmate Gutierrez while he was being handcuffed. Deputy Aldama and [redacted] were able to place Inmate Rodriguez in handcuffs. At the direction of Sergeant David Petrocelli, Deputy [redacted] knelt down on Inmate Rodriguez' legs and Deputy [redacted] applied the Hobble, because he was attempting to kick deputy personnel.

Involved Personnel

Deputy Samuel Aldama #[redacted]
Men's Central Jail

Work History
Date of Employment: 10/03/2007
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]

Custody Assistant [redacted] #[redacted]
Men's Central Jail

Work History
Date of Employment: 10/13/2009
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]

Deputy [redacted] **#** [redacted]
Men's Central Jail

<u>Work History</u>
Date of Employment: 11/07/2007
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]

Deputy [redacted] **#** [redacted]
Men's Central Jail

<u>Work History</u>
Date of Employment: 01/17/2007
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]

Deputy [redacted] **#** [redacted]
Men's Central Jail

<u>Work History</u>
Date of Employment: 04/09/2007
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]

Deputy [redacted] **#** [redacted]
Men's Central Jail

<u>Work History</u>
Date of Employment: 04/25/2007
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]

Deputy [redacted] **#** [redacted]
Men's Central Jail

<u>Work History</u>
Date of Employment: 05/17/2010
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]



Deputy [redacted] #[redacted]
Men's Central Jail

<u>Work History</u>
Date of Employment: 12/17/2008
Date Assigned to Unit: [redacted]
Prior Founded Force: [redacted]

<u>Suspects</u>

Fabian Rodriguez MH/27
Booking #2673338

Jose Gutierrez MH/21
Booking #2527336

<u>Injuries</u>

Deputy Samuel Aldama sustained swelling and a contusion to the right side of his face **(refer to the photos, Exhibit G).**

Custody Assistant [redacted] sustained a contusion to his right wrist and thumb **(refer to the photos, Exhibit G).**

Suspect Fabian Rodriguez sustained a hairline fracture to his maxillary (upper jaw) bone, contusions to his face and redness to his shoulders **(refer to the inmate injury report, Exhibit A, and photos, Exhibit B).**

Suspect Jose Gutierrez sustained redness to both shoulders **(refer to the inmate injury report, Exhibit C, and photos, Exhibit D).**

<u>Physical Evidence</u>

A portion of the incident was captured on videotape **(refer to the DVD, Exhibit E).**

<u>Investigators Observations</u>

Due to the delay in learning of the injuries to Inmate Gutierrez, the scene was not held for IAB Investigators.

<u>Weapons used by Deputy</u>

Deputy Aldama used O.C. spray and personal weapons, hands, during this incident.

Custody Assistant [redacted] used personal weapons, hands, and a Take-Down during this incident.

Deputy [redacted] used personal weapons, hands, during this incident.

Deputy [redacted] used personal weapons, knee, during this incident.

Deputy [redacted] used personal weapons, hands, during this incident.

Deputy [redacted] used the Hobble Restraint during this incident.

Deputy [redacted] used personal weapons, hands and knee, and assisted in a team take-down during this incident.

Deputy [redacted] assisted in a team take down during this incident

Weapon used by Suspect

Suspect Fabian Rodriguez used personal weapons, hands and feet, during this incident.

Suspect Jose Gutierrez used personal weapons, hands and feet, during this incident.

Criminal Investigator

Detective Armando Castillo of the Los Angeles County Sheriff's Department Jail Investigations Unit conducted the criminal investigation. On April 6, 2012, the case was presented to the Los Angeles County District Attorney's office for consideration of a complaint. The District Attorney's Office declined to file charges due the lack of sufficient evidence. Refer to page 3 of **Exhibit F.**

> **IAB Note:** The supplemental reports in **Exhibit F** identify Detective Sterling Haley as the investigator and Detective Castillo as the filing officer. Detective Castillo indicted the reason Detective Haley is listed was because the case was assigned to him (Detective Haley) in the computer system; however, he (Detective Castillo) handled the case.

Interviews

The following interview summaries were based on statements given during audio recorded interviews by the suspects and witnesses. For complete and detailed statements refer to the digital audio recorded files or the verbatim transcripts, which are included in this investigation.

Involved Personnel

Deputy Samuel Aldama

Deputy Aldama submitted a report detailing his action **(refer to SH-R-49, Exhibit G)**. On January 18, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Deputy Samuel Aldama #[redacted] in the Captain's office at Men's Central Jail. Deputy Aldama was represented by Attorney Mitchell Kander of the Law Offices of Green & Shinee. The following is a summary of the interview.

Deputy Aldama stated he was working Module 3200/3400 as the Title-15 Deputy. He was moving Inmates Rodriguez and Gutierrez from cell 3200 A-8 because a light in the cell was not working. Deputy Aldama said he moved the inmates into the hallway where he ordered them to strip to conduct a search for weapons or contraband. Deputy Aldama stated inmates are commonly searched when they are moved from one cell to another. He said he ordered the inmates to turn and face the wall. It was at that time, Deputy Aldama said Inmate Rodriguez turned him and said, "What the fuck did we do, man?" Deputy Aldama said he immediately ordered Inmate Rodriguez to turn and face the wall and he requested a sergeant, over his handheld radio, to respond regarding an uncooperative inmate.

Deputy Aldama said he grabbed his O.C. spray. He said he believed his request for a sergeant, coupled with his O.C. spray, would de-escalate the situation. Deputy Aldama said he had his left hand out in front of him at about chest level when Inmate Rodriguez knocked his hand away. Deputy Aldama said he spayed Inmate Rodriguez with his O.C. spray, but it had no effect. Inmate Rodriguez lowered his head, began swinging his arms and pushed Deputy Aldama backwards into the recreation room door. Deputy Aldama said his head struck the metal door and he was head butted by Inmate Rodriguez.

Deputy Aldama said Inmate Rodriguez went down to the ground and grabbed him around his legs. While Inmate Rodriguez was holding on to his legs, Deputy Aldama said he punched Inmate Rodriguez several times in the face and shoulder. He said he held him down until additional deputies arrived and they were able to place him into handcuffs.

Custody Assistant [redacted]

Custody Assistant Alley submitted a supplemental report detailing his actions **(refer to the report under Exhibit H)**. On January 23, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Custody Assistant [redacted] #[redacted] in the 2nd floor conference room at Internal Affairs Bureau. Representing Custody Assistant [redacted] was Venise Wallace of the Professional Peace Officers Association (PPOA). The following is a summary of the interview.

Custody Assistant [redacted] said he, along with Deputy Aldama, was moving Inmates Gutierrez and Rodriguez from their cell because a light fixture was not working properly. As they brought the inmates out to the module hallway, Deputy Aldama ordered them to strip to conduct a search. It was at that time Inmate Rodriguez was becoming visibly upset and was cussing. Custody Assistant [redacted] said Deputy Aldama attempted to calm him down by telling him to relax and that everything was going to be okay.

Custody Assistant [redacted] said Inmate Rodriguez wasn't receptive so Deputy Aldama requested a sergeant over the radio regarding an uncooperative inmate. He said Inmate Rodriguez continued to cuss so Deputy Aldama ordered him to face the wall. Custody Assistant [redacted] said he saw what was going on so he ordered Inmate Gutierrez to lie down on the ground. Inmate Gutierrez started to comply with his command when Inmate Rodriguez slapped away Deputy Aldama's hand. Deputy Aldama then sprayed Inmate Rodriguez with his O.C. spray.

Custody Assistant [redacted] said Inmate Rodriguez ran toward Deputy Aldama. Inmate Rodriguez grabbed Deputy Aldama, began punching him and trapped him against the recreation room door. Custody Assistant [redacted] said he ran over to assist Deputy Aldama. He said he grabbed Inmate Rodriguez around the neck or shoulder area and took him to the ground. Custody Assistant [redacted] said Inmate Rodriguez continued to fight. He punched Inmate Rodriguez several times in the mid-section but he said he did not believe his punches had an effect. Custody Assistant [redacted] said he was then attacked from behind by Inmate Gutierrez. Additional personnel arrived on the scene and Custody Assistant [redacted] said they were able to take Inmate Gutierrez off of him.

Deputy [redacted]

Deputy [redacted] submitted a supplemental report detailing his actions **(refer to the report under Exhibit I).** On January 17, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Deputy [redacted] #[redacted] in the Captain's office at Men's Central Jail. Deputy [redacted] was represented by Attorney Mitchell Kander of the Law Offices of Green & Shinee. The following is a summary of the interview.

Deputy [redacted] stated he was working in module 3301 when he heard over the radio a deputy was involved in a fight. He entered the module and saw deputies in front of the gate to B-row of 3400 trying to gain control of inmates who were fighting. Deputy [redacted] said he was directed by Sergeant Petrocelli to drag Inmate Rodriguez away from the wall. Deputy [redacted] said he attempted to pull the inmate away but he was unable to because of the weight of the deputies who were on top of the inmate. Inmate Rodriguez began kicking his legs and Deputy [redacted] said he knelt down on Inmate Rodriguez' legs at direction of Sergeant Petrocelli.

Deputy [redacted]

Deputy [redacted] submitted a supplemental report detailing his actions **(refer to the report under Exhibit J).** On January 18, 2012, IAB Sergeants Victor Allen and Trent

Denison interviewed Deputy [redacted] # [redacted] in the Captain's office at Men's Central Jail. Deputy [redacted] was represented by Attorney Mitchell Kander of the Law Offices of Green & Shinee. The following is a summary of the interview.

Deputy [redacted] stated he was working as the movement deputy for module 3100/3300 when he heard a deputy requesting a sergeant to module 3200/3400. Deputy [redacted] said he responded to 3200/3400 because he knows when a deputy requests a sergeant he usually needs help. When he entered the module he saw Inmate Gutierrez running towards Deputy Aldama and another Inmate who were fighting. Inmate Gutierrez yelled, "Hey what the fuck are you doing? Get off him," as he ran.

Deputy [redacted] said he ran toward them. Just before he arrived at the fight, Deputy [redacted] said Deputy [redacted] grabbed Inmate Gutierrez and they fell to the ground. Deputy [redacted] said he stepped over them and grabbed Inmate Rodriguez by the arm. He said Inmate Rodriguez had his arms wrapped around Deputy Aldama's legs. Deputy Aldama was saying the inmate was still fighting. Deputy [redacted] said he was able to gain control of Inmate Rodriguez' right arm and Deputy Aldama had the inmate's left arm and, with the assistance of a third deputy, they were able to get him handcuffed. After he was handcuffed, Deputy [redacted] said Inmate Rodriguez was kicking his legs and another deputy restrained his legs with a hobble restraint.

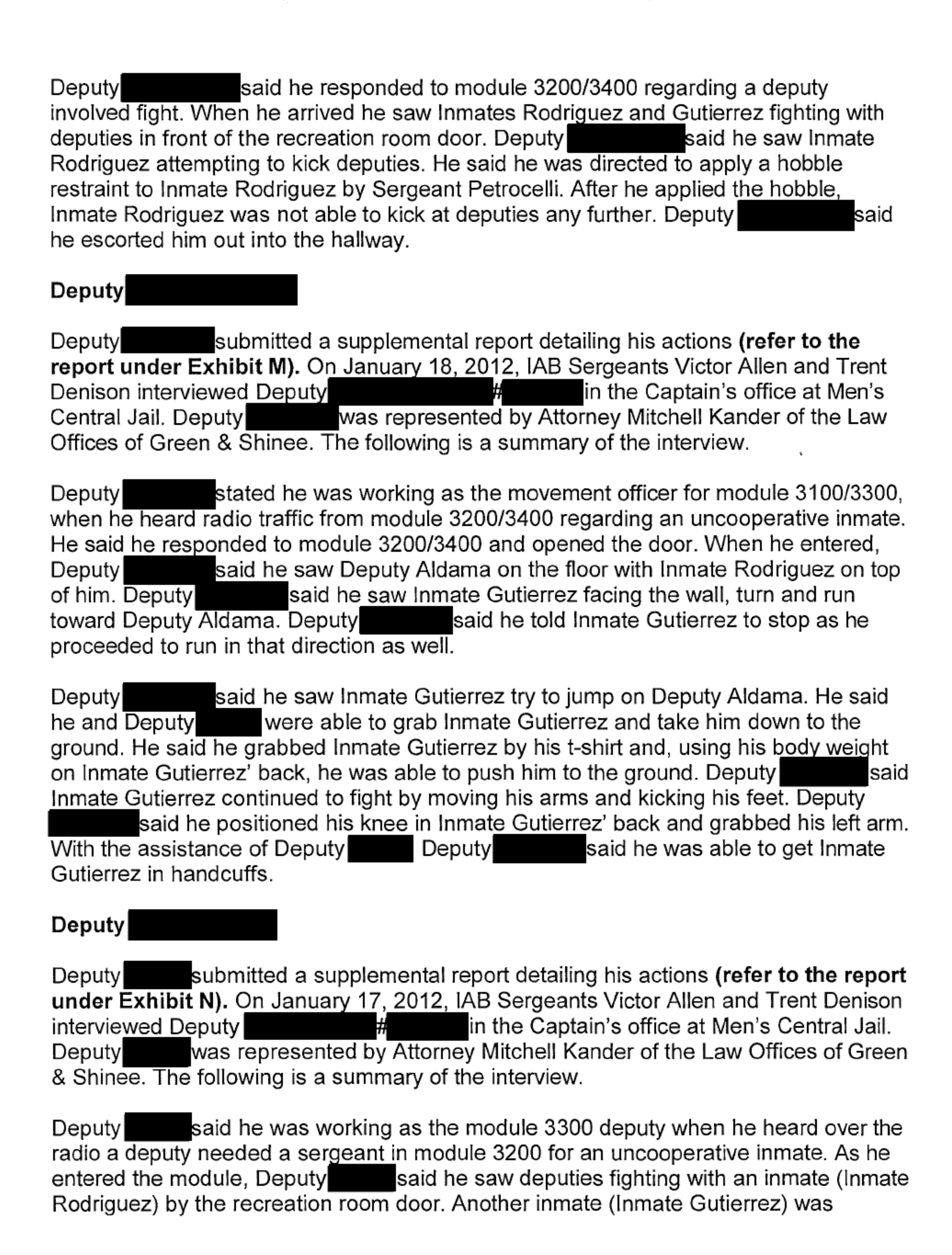
Deputy [redacted]

Deputy [redacted] submitted a supplemental report detailing his actions **(refer to the report under Exhibit K)**. On January 17, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Deputy [redacted] # [redacted] in the Captain's office at Men's Central Jail. Deputy [redacted] was represented by Attorney Mitchell Kander of the Law Offices of Green & Shinee. The following is a summary of the interview.

Deputy [redacted] said he was working as the 3300/3400 movement deputy. He was standing in the hallway in front of the module when he heard radio traffic that a deputy was involved in a fight inside. When he entered the module, Deputy [redacted] said he saw two inmates fighting with deputies. Deputy [redacted] said the inmate that was closest to him was Inmate Gutierrez. He said deputies were struggling to get him handcuffed. He saw Deputy [redacted] trying to pull Inmate Gutierrez out of the area because it was a confined space. Deputy [redacted] said he placed his left knee on Inmate Gutierrez' buttocks for about five to ten seconds. Once he was handcuffed, Deputy [redacted] said he escorted him out into the hallway.

Deputy [redacted]

Deputy [redacted] submitted a supplemental report detailing his actions **(refer to the report under Exhibit L)**. On January 18, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Deputy [redacted] # [redacted] in the Captain's office at Men's Central Jail. Deputy [redacted] was represented by Attorney Mitchell Kander of the Law Offices of Green & Shinee. The following is a summary of the interview.



Deputy [redacted] said he responded to module 3200/3400 regarding a deputy involved fight. When he arrived he saw Inmates Rodriguez and Gutierrez fighting with deputies in front of the recreation room door. Deputy [redacted] said he saw Inmate Rodriguez attempting to kick deputies. He said he was directed to apply a hobble restraint to Inmate Rodriguez by Sergeant Petrocelli. After he applied the hobble, Inmate Rodriguez was not able to kick at deputies any further. Deputy [redacted] said he escorted him out into the hallway.

Deputy [redacted]

Deputy [redacted] submitted a supplemental report detailing his actions **(refer to the report under Exhibit M).** On January 18, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Deputy [redacted] #[redacted] in the Captain's office at Men's Central Jail. Deputy [redacted] was represented by Attorney Mitchell Kander of the Law Offices of Green & Shinee. The following is a summary of the interview.

Deputy [redacted] stated he was working as the movement officer for module 3100/3300, when he heard radio traffic from module 3200/3400 regarding an uncooperative inmate. He said he responded to module 3200/3400 and opened the door. When he entered, Deputy [redacted] said he saw Deputy Aldama on the floor with Inmate Rodriguez on top of him. Deputy [redacted] said he saw Inmate Gutierrez facing the wall, turn and run toward Deputy Aldama. Deputy [redacted] said he told Inmate Gutierrez to stop as he proceeded to run in that direction as well.

Deputy [redacted] said he saw Inmate Gutierrez try to jump on Deputy Aldama. He said he and Deputy [redacted] were able to grab Inmate Gutierrez and take him down to the ground. He said he grabbed Inmate Gutierrez by his t-shirt and, using his body weight on Inmate Gutierrez' back, he was able to push him to the ground. Deputy [redacted] said Inmate Gutierrez continued to fight by moving his arms and kicking his feet. Deputy [redacted] said he positioned his knee in Inmate Gutierrez' back and grabbed his left arm. With the assistance of Deputy [redacted] Deputy [redacted] said he was able to get Inmate Gutierrez in handcuffs.

Deputy [redacted]

Deputy [redacted] submitted a supplemental report detailing his actions **(refer to the report under Exhibit N).** On January 17, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Deputy [redacted] #[redacted] in the Captain's office at Men's Central Jail. Deputy [redacted] was represented by Attorney Mitchell Kander of the Law Offices of Green & Shinee. The following is a summary of the interview.

Deputy [redacted] said he was working as the module 3300 deputy when he heard over the radio a deputy needed a sergeant in module 3200 for an uncooperative inmate. As he entered the module, Deputy [redacted] said he saw deputies fighting with an inmate (Inmate Rodriguez) by the recreation room door. Another inmate (Inmate Gutierrez) was

standing in between him and the fight. Deputy [redacted] said Inmate Gutierrez ran toward the fight. Deputy [redacted] said he ran toward the fight as well. When he arrived at the fight, he saw Inmate Gutierrez punching down toward Deputy Aldama. Deputy [redacted] said he, along with Deputy [redacted] grabbed Inmate Gutierrez by the shoulders and took him to the ground. Deputy [redacted] said they were able to grab Inmate Gutierrez' arms and place him in handcuffs. Deputy [redacted] said he then assisted in handcuffing Inmate Rodriguez by holding his shoulder.

Sergeant David Petrocelli

Sergeant Petrocelli submitted a supplemental report detailing his actions **(refer to the report under Exhibit O).** On January 18, 2012, IAB Sergeants Victor Allen and Trent Denison interviewed Sergeant David Petrocelli #[redacted] in the Captain's office at Men's Central Jail. The following is a summary of the interview.

Sergeant Petrocelli stated he was standing in the hallway of 3000 floor near modules 3200/3400 when he heard a request over the radio for a sergeant regarding a recalcitrant inmate. As he began walking toward the module, Sergeant Petrocelli said he saw deputies from module 3100/3300 run across the hall and enter module 3200/3400 ahead of him. When he entered the module, Sergeant Petrocelli said the deputies who he saw enter the module were running toward an altercation that was occurring on the floor. Sergeant Petrocelli saw Deputy Aldama striking Inmate Rodriguez in his upper body, face and shoulder area with his fists. Inmate Rodriguez was holding onto Deputy Aldama's legs. Sergeant Petrocelli said he saw Custody Assistant [redacted] trying to grab Inmate Rodriguez and pull him off of Deputy Aldama.

Sergeant Petrocelli said he saw Inmate Gutierrez lying near the legs of Inmate Rodriguez. He believed at that time the deputies were trying to break-up an inmate fight. Sergeant Petrocelli said the deputies who entered the module were trying to control Inmate Gutierrez.

As he approached, Sergeant Petrocelli said he saw that the strikes were not very effective. He gave commands to the deputies to get control of the inmates' arms and place them behind their backs. Once the deputies gained control and handcuffed Inmate Gutierrez, Sergeant Petrocelli said he had Deputy [redacted] take Inmate Gutierrez out to the hallway to get them separated. Sergeant Petrocelli said the deputies struggled to gain control of Inmate Rodriguez' arm because one of his arms was withered. After the deputies gained control of his arm, Inmate Rodriguez was still kicking his legs. Sergeant Petrocelli said he directed Deputy [redacted] to use a hobble restraint on Inmate Rodriguez' legs. After Inmate Rodriguez was hobbled, Sergeant Petrocelli said he spontaneously stated, "I only resisted a little." Sergeant Petrocelli said he had both inmates immediately medically treated.

Involved Inmates

Fabian Rodriguez Booking #2673338

On November 15, 2011, Inmate Rodriguez was interviewed on videotape **(Exhibit P)** by Sergeant Petrocelli and Lieutenant Edwin Alvarez #[redacted] Present in the interview was Sergeant Eric Odenthal #[redacted] The following is a summary of the interview.

Inmate Rodriguez said he did not remember what happed between him and the deputies. He recalled being called out of his cell, being brought to the front hallway and told to face the wall. He said he did not recall what happened after that.

Inmate Rodriguez said he did not have any prior problems with the deputies. He complained of pain to his face, left arm and shoulder. He denied drinking "pruno" (a jail-made alcoholic beverage) or being under the influence.

> **IAB Note:** On November 22, 2011, IAB Sergeants Victor Allen and Trent Denison attempted to interview Inmate Rodriguez at Men's Central Jail. He declined to be interviewed.

Jose Gutierrez BK#2527336

On November 15, 2011, Inmate Gutierrez was interviewed on videotape **(Exhibit P)** by Sergeant Petrocelli and Lieutenant Edwin Alvarez #[redacted] Present in the interview was Sergeant Eric Odenthal #[redacted] The following is a summary of the interview.

Inmate Gutierrez said he did not remember what happened. He said he drank six to seven, 16 to 20-ounce bottles of "pruno" with Inmate Rodriguez.

On November 22, 2011, Sergeants Victor Allen and Trent Denison interviewed Inmate Gutierrez in an interview room on 6000 floor of Men's Central Jail. The following is a summary of that interview.

Inmate Gutierrez said he was in his cell with Inmate Rodriguez when they were told they were moving. He said Inmate Rodriguez became frustrated and took it upon himself to assault the deputy by tackling him. Inmate Rodriguez said he saw another deputy on top of Inmate Rodriguez. Inmate Gutierrez said he did what he had to do which was to assault the deputy. He said he grabbed him and tried to throw him off of Inmate Rodriguez.

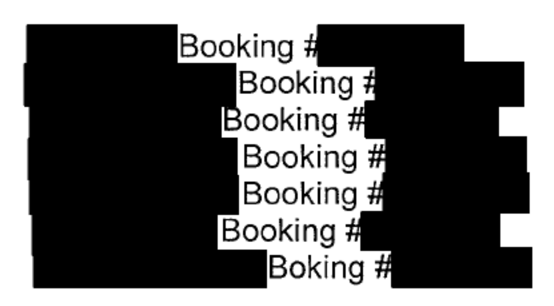
Additional Interviews

The following inmates were housed in module [redacted] They were interviewed on videotape **(Exhibit Q)** by Sergeant Shalonda Hewitt #[redacted] All the inmates that were interviewed said they did not see the fight.



[redacted] Booking # [redacted]
[redacted] Booking # [redacted]
[redacted] Booking # [redacted]
[redacted] Booking # [redacted]

The following inmates were housed on [redacted] row of module [redacted] They were interviewed on videotape **(Exhibit P)** by Sergeant Eric Odenthal # [redacted] All the inmates that were interviewed said they did not see the fight.



[redacted] Booking # [redacted]
[redacted] Booking # [redacted]
[redacted] Booking # [redacted]
[redacted] Booking # [redacted]
[redacted] Booking # [redacted]
[redacted] Booking # [redacted]
[redacted] Boking # [redacted]